



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/995,605

11/29/2001

Harry V. Paul

87264.3020

2664

21834

7590

11/03/2005

BECK AND TYSVER P.L.L.C.  
2900 THOMAS AVENUE SOUTH  
SUITE 100  
MINNEAPOLIS, MN 55416

EXAMINER

QURESHI, AFSAR M

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/995,605

Applicant(s)

PAUL ET AL.

Examiner

Afsar M. Qureshi

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/19&amp;10/24/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

Claim 5 is objected to because of the following minor informalities: (at the end of line 2, Followed by "...comprising" please -- : -- is missing. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson et al. ("Nelson"), US 6,148,004.

Claims 1-10, 14 and 17. Nelson discloses a switch fabric utilized with fiber channel frames wherein frames are transmitted through the switch fabric (*claims 1, 5, 14*) (see figure 2A and 2B) with frame and sequence generation for each link controller (see col. 8, lines 44-53). Nelson further discloses releasing switch connection prior to sequence termination (see col. 5, lines 24-65 and col. 9, lines 26-50) (*claims 5*).

Art Unit: 2667

Nelson discloses End of Frame (EOF) (col. 7, lines 36-39), functionally same as EOP provided at the beginning and end of the frame (*claims 2, 3, 4, 9, 10*).

Nelson further discloses an indication of termination (triggering event) of an exchange field provided by link controller 22 (see col. 8, lines 44 through col. 9, lines 1-36) wherein FE 16 generates header information (setting a register bit) and an originator exchange identifier is re-changed to the inactive state thereof upon receipt of a last of the series of data frames (col. 2, lines 60-67) (*claims 6 and 7*).

Nelson discloses methods for establishing dynamic ESCON connections over **Fiber Channel** connection using series of data frames (col. 8, lines 46-67) (*claims 8 and 17*).

Claims 11 and 20. The Description of the instant Application does not provide specific details that EOP indicator is a single bit except in claims 11 and 20.

However, the Examiner has not objected to the claims as being "lack of anticipation in the Specification, because it is inherent that EOP are special characters (and strings) to elements within a link which are single-bit, single – cycle signals, e.g., 'on' for one state and 'off' for the other state.

Claim 12. See rejection of claim 1 above.

Claim 13. Already discussed above (claims 1-10, 14).

Claims 15, 16 and 18. See rejection of claims 1-10 above.

Art Unit: 2667

Claim 19. Figure 3 shows the buffer descriptor format for the memory device wherein series of Fiber Channel data frames arrive and passed to selected link controllers based on the status of the frame (see col. 2, lines 46-59).

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Nelson et al. (US 6,138,185)


Brown et al. (US 5,107,489)

YU (US 2001/0012288)

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M. Qureshi whose telephone number is (571) 272 3178. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272 3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2667

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**AFSAR QURESHI**  
**PRIMARY EXAMINER**

October 24, 2005